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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/861,989	05/22/97	DILLARD	K 60323

LMC1/0223

JEANNE C. SUCHODOLSKI
ALLIED SIGNAL INC. - LAW DEPARTMENT
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN NJ 07962

EXAMINER

RETTA, Y

ART UNIT	PAPER NUMBER
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2764

14

DATE MAILED: 02/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/861,989

Applicant(s)

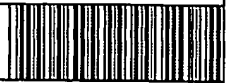
Dillard et al.

Examiner

Yehdega Retta

Group Art Unit

2764



☒ Responsive to communication(s) filed on Feb 3, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-22 is/are pending in the application

Of the above, claim(s) 1 and 2 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2764

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

2. Claims 9-11, 13, 15, 19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandenburg U.S. Patent No. 5,894,516.

3. As per claims 10, 15, 19 and 21, Brandenburg teach applying a unique software key to each one of receiving electronic unit; encrypting software code as a function of a single software key; transmitting the encrypted software code from said transmitting electronic unit over communication link to one or more receiving electronic units (see col. 1 lines 60-67); decrypting transmitted encrypted software code at the receiving unit according to the software key used to encrypt the software code and the unique software keys applied to the receiving units (see col. 2 lines 1-5).

4. As per claim 22, Brandenburg teach transmitting an upload program with the encrypted software code and decrypting transmitted encrypted software code according the transmitted upload program (see col.2 lines 60-65).

Art Unit: 2764

5. As per claim 13, Brandenburg teach electronic unit each having a unique software key; encrypting software as a function of the unique software key of the receiving unit; transmitting encrypted software over communication link (see col. 1 lines 60-67 and col. 2 line 1); uploading encrypted software into the electronic unit with unique software key that matches the unique software key (see col. 2 lines 60-65).

6. As per claims 9 and 11, Brandenburg teach header but does not explicitly disclose footer tag that include unique software key. However, this feature is deemed to be inherent for encrypted message to include code to indicate whether the message is encrypted or not and to compare the unique software key to the key in the footer or header to determine if it matches .

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-8, 12, 14, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenburg U.S. Patent No. 5,894,516, and further in view of Teare et al. U.S. Patent No. 5,243,652.

Art Unit: 2764

9. As per claims 3, 4, 12, 14 and 20 Brandenburg does not explicitly disclose global positioning system unit with unique software key and topographical data. Teare et al. discloses the use of global positioning system unit with unique location history used for topographical data (see column 3 lines 4-9 and 30-36). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Brandenburg invention with Tear et al. invention in order to determine locations.

10. As per claims 6 and 17 Brandenburg does not specifically discloses unique key initially used as a seed for encrypting software. However official notice is taken that using key as a seed for encryption is old and well known in the art of ciphers. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate a keystream using the unique key as a seed in order to encrypt the software.

11. As per claims 7, 8 and 18, Brandenburg does not disclose wired or Internet link. However official notice is taken that wired or Internet link is old and well known in the art of communication link. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement wired or Internet as transmission medium which is a readily available link.

12. As per claims 5 and 16, Brandenburg does not disclose cyclic redundancy coding. However official notice is taken that cyclic redundancy coding is old and well known in the art of error detection . It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement cyclic redundancy coding in order to detect transmission errors.

Art Unit: 2764

Conclusion

13. This is a CPA of applicant's earlier Application No. 08/861,989. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 2764

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner
Yehdega Retta
Art Unit 2764
February 18, 2000



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700